HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.6742 of 2007

Date: 19-07-2007.

Between :

P.Venkat Rami Reddy.

.....Petitioner

And

The Deputy Transport Commissioner and Secretary,
Regional Transport Authority, Kadapa.

.....Respondent.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.6742 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties.

A show cause notice was given to the petitioner as allegedly it was found that the passengers travelling from Proddutur to Vijayawada were going for a party meeting and the conditions of permit had been violated by the vehicle in which they were travelling. Therefore, a show cause notice was given as to why tax should not be collected at the rate of Rs.2,500/- per seat per quarter. The petitioner gave his explanation and in the final demand notice dated 10.01.2007, he has been ordered to pay tax at the rate of Rs.2,625/- per seat per quarter. The show cause notice only demanded Rs.2,500/-, whereas in the final notice, tax had been levied at the rate of Rs.2,625/-. Obviously, such an order could not be passed.

Therefore, after hearing counsel for both the parties, we set aside both the show cause notice as well as the final demand notice, giving liberty to the respondent to issue a fresh show cause notice and decide the matter in accordance with law. If any fresh show cause notice is given to the petitioner, he may raise all

the pleas that may be available to him in law. Writ petition is accordingly allowed.

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BILAL NAZKI, J

19th July 2007

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S. ANANDA
REDDY, J

ajr